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8 and

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14 Telephone: (602) 255-6000

15 U.S. Bank, National Association

16 09-77722

17 **UNITED STATES BANKRUPTCY COURT**
18 **SOUTHERN DISTRICT OF NEVADA**

19 In Re:

09-22488-mkn

20 Borislav Glavas and Ljiljana Glavas

MS Motion No. 48
Order No. 72

21 Debtors

Chapter 13

22 **DECLARATION RE BREACH OF CONDITION**

23 STATE OF ARIZONA)

)ss.

24 COUNTY OF MARICOPA)

25 I, Olivia A. Todd declare and state:

26 1. As to the following facts, I know them to be true of my personal knowledge, and if called upon to testify in this action, I could and would testify competently thereto.

27 2. I am President of National Default Servicing Corporation authorized outsourcing agent for
28 U.S. Bank, National Association, Secured Creditor herein, and am most familiar with the loan and the
ongoing bankruptcy case.

1
2 3. The real property subject to the Trust Deed is commonly described as 5539 Johnny Holiday
3 St.. Las Vegas, NV 89113 and legally described as follows:

4 LOT 24 BLOCK 3 OF TIMBER CREEK VILLAGE 2 PHASE B. AS SHOWN BY MAP
5 THEREOF ON FILE IN BOOK 84, OF PLATS, PAGE 5. IN THE OFFICE OF
THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

6 4. I have examined the document entitled "Order Regarding Adequate Protection", which was
7 filed with the Court on July 13, 2010. I represent my personal knowledge as to whether the Debtors have
8 complied with the requirements of said Order.

9 5. Pursuant to the aforementioned Order, the Debtors would have fifteen (15) days from the
10 date of this Declaration in which to cure the delinquencies due. If upon the 16th day, Debtors has failed to
11 so cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured
12 Creditor.

13 6. As of the date of this Declaration, the Debtors have not made the payments as required by
14 the aforementioned Order. The Debtors are presently past due as follows:

15 2 Monthly Payments(s) at \$1,266.41	\$2,532.82
16 (July 1, 2010 - October 1, 2010)	
17 2 Late Charge(s) at \$53.38	\$106.76
18 (July 1, 2010 - October 1, 2010)	
19 4 Adequate Protection Charge(s) at \$1,494.16	\$5,976.64
20 (July 1, 2010 - October 1, 2010)	
21 Attorneys Fees	\$150.00
22 Suspense Amount	(\$67.18)
23 Total	\$8,699.04

24 7. Debtors are responsible for the subsequent payments that will come due during this
25 Breach period as described in the Adequate Protection Order:

26 **PARTIAL TENDERS WILL NOT BE ACCEPTED**

27 8. Due to Debtor's failure to timely and properly comply with the Order as set forth
28 hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the
29 Stay Order to take possession of its real property.

1 9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance
2 and are now owing to Secured Creditor from Debtors pursuant to the Trust Deed.

3 10. Should the Debtor cure the default, the Debtors must forward the funds to:

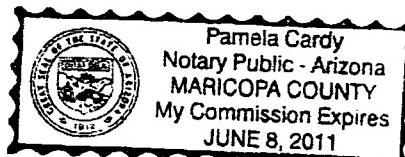
4 **GREGORY L. WILDE, ESQ.**
5 **WILDE & ASSOCIATES**
6 **212 South Jones Boulevard**
7 **Las Vegas, Nevada 89107**

8
9 I declare under penalty of perjury that the foregoing is true and correct.
10
11
12

13 
14 Olivia A. Todd

15 SUBSCRIBED and SWORN to before me
16 this 8th day of October, 2010

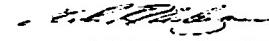
17 
18 Pamela Cardy
19 Notary Public in and for said
20 State and County



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Entered on Docket
July 13, 2010


Hon. Mike K. Nakagawa
United States Bankruptcy Judge

WILDE & ASSOCIATES

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09-77722 / 4800091595

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Borislav Glavas and Ljiljana Glavas

BK-S-09-22488-mkn

MS Motion No. 48

Date: 6/2/2010

Time: 1:30

Chapter 13

Debtors.

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

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1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the
 2 post-petition arrearages currently due as follows:

3 6 Monthly Payments(s) at \$1,266.41	\$7,598.46
(January 1, 2010 - June 1, 2010)	
4 6 Late Charge(s) at \$53.38	\$320.28
(January 1, 2010 - June 1, 2010)	
5 Property Inspections	\$160.00
6 Motion for Relief Filing Fee	\$150.00
7 Attorneys Fees	\$750.00
Suspense Amount	(\$13.80)
Total	\$8,964.94

8
 9 The total arrearage shall be paid in six monthly installments. Payments one through five
 10 (1-5) in the amount of \$1,494.16 shall be in addition to the regular monthly payment and shall be
 11 due on or before the 20th day of the month commencing with the July 20, 2010 payment and
 12 continuing throughout and concluding on or before November 20, 2010. The sixth final payment
 13 in the amount of \$1,494.14 shall be paid on or before November 20, 2010.

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume
 15 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
 16 beginning with the July 1, 2010, payment, on Secured Creditor's Trust obligation, encumbering the
 17 subject Property, generally described as 5539 Johnny Holiday St., Las Vegas, NV 89113, and
 18 legally described as follows:

19 LOT 24 BLOCK 3 OF TIMBER CREEK VILLAGE 2 PHASE B. AS SHOWN BY MAP
 THEREOF ON FILE IN BOOK 84, OF PLATS, PAGE 5, IN THE OFFICE OF
 20 THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

21 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make
 22 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
 23 Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file
 24 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of
 25 Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an
 26 attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth
 (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this
 Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may

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1 thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable
2 State Law, and take any action necessary to obtain complete possession thereof.

3 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor
4 shall give Debtors at least five business days' notice of the time, place and date of sale.

5
6 Submitted by:

7 WILDE & ASSOCIATES

8 By _____
9

10 GREGORY L. WILDE, ESQ.
11 Attorneys for Secured Creditor
12 212 South Jones Boulevard
13 Las Vegas, Nevada 89107

14 APPROVED AS TO FORM & CONTENT:
15

Kathleen A Leavitt

Anthony Deluca

By _____
16

17 Kathleen A Leavitt
18 Chapter 13 Trustee
19 201 Las Vegas Blvd., So. #200
20 Las Vegas, NV 89101

By M. Lynn Yost

Anthony Deluca
Attorney for Debtors
5830 W. Flamingo Rd., #233
Las Vegas, NV 89103

Nevada Bar No. 7846 -
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26

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19 **UNITED STATES BANKRUPTCY COURT**
20 **SOUTHERN DISTRICT OF NEVADA**

21 In Re:

09-22488-mkn

22 Borislav Glavas and Ljiljana Glavas

MS Motion No. 48
Order No. 72

23 Chapter 13

24 Debtors.

25 **CERTIFICATE OF MAILING OF**
26 **DECLARATION RE BREACH OF CONDITION**

- 27 1. On 10/13/10 I served the following documents(s):

28 DECLARATION RE BREACH OF CONDITION

- 29 2. I served the above-named document(s) by the following means to the persons as listed below:

1 **X a. ECF System**

2 Anthony Deluca
3 delucaeef@gmail.com
4 Attorney for Debtors

5 Kathleen A Leavitt
6 courtsecf3@las13.com
7 Trustee

8 **X b. United States mail, postage fully prepaid:**

9 Borislav Glavas and Ljiljana Glavas
10 5539 Johnny Holiday Street
11 Las Vegas, NV 89113
12 Debtors

13 **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

14 I personally delivered the document(s) to the persons at these addresses:

15 1. For a party represented by an attorney, delivery was made by handing the
16 document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge
17 by leaving the document(s) in a conspicuous place in the office.

18 N/A

19 2. For a party, delivery was made by handing the document(s) to the party or
20 by leaving the document(s) at the person's dwelling house or usual place of abode with someone
21 of suitable age and discretion residing there.

22 N/A

23 **d. By direct mail (as opposed to through the ECF System)**

24 *(List persons and email addresses. Attach additional paper if necessary)*

25 Based upon the written assignment of the parties to accept service by email or a court order, I
26 caused the document(s) to be sent to the persons at the mail addresses listed below. I did not
receive, within a reasonable time after the transmission, any electronic message or other
indication that the transmission was unsuccessful.

27 **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

1 Based upon the written assignment of the parties to accept service by fax transmission or
2 a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error
3 was reported by the fax machine that I used. A copy of the record of the fax transmission is
4 attached.

5

6 **f. By messenger** (*List persons and addresses. Attach additional paper if necessary*)

7

8 I served the document(s) by placing them in an envelope or package addressed to the
9 persons at the addresses listed below and providing them to a messenger for service.

10 (*A declaration by the messenger must be attached to this Certificate of Service*).
11

12 **I declare under penalty of perjury that the foregoing is true and correct.**

13 Signed on : 10/13/10

